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EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/557,081	STRUB ET AL.
	Examiner	Art Unit
	Thai Tran	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 August 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-38 and 40-53 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-38 and 40-53 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed Aug. 12, 002 have been fully considered but they are not persuasive.

In re page 5, applicants state it is appear that a clerical error by which the application number and name on the "Office Action Summary" page and on the header of the "Detail Action" are incorrect.

In response, it is agreed that the application number and name on the "Office Action Summary" page and on the header of the "Detail Action" are clerical errors. They should be Application Number 09/557,081 and Strub et al as inventors.

In re page 6, applicants argue that, with respect o claim 36 which has been amended to incorporate from claim 37 the limitation "wherein at least one mark indicates a level of importance or interest of the content which the marked recording data represents", neither Yuen nor Cruz teaches different types of marks, at least one of which "indicates a level of importance or interest of the content which the marked recording data represents because Yuen teaches using marks to provide titles of programs or segments of programs, without regard to the "level of importance or interest" and Cruz teaches compressing data in accordance with the type of data (audio, video, etc.) to optimize compression based on the type of data, but does not teach doing so based on a mark that "indicates a level of importance or interest".

In response, the examiner respectfully disagrees. It is noted that the alleged **different types of marks**, at least one of which indicates a level of importance or

interest of the content which the marked recording data represents" is not recited in claim 36. Claim 36 recites only "wherein at least one mark indicates a level of importance or interest of the content which the marked recording data represents". The specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 382 F.2d 924, 155 USPQ 687 (1968).

Yuen et al discloses in col. 12, lines 44-50 that "The VCR uses the directory described herein to perform searches of the user's tape library to find the tape that a selected program is on. The directory of particular tape may be searched using **keywords, or title information** to locate a program on the tape". From the above passage, it is recognized that the claimed "different types of marks", at least one of which indicates a level of importance or interest of the content which the marked recording data represents" is anticipated by the "keywords or title information" of Yuen et al.

Additionally, Yuen et al discloses in col. 26, lines 60-67 that "On the other hand, if at step 9259 the tape is a non-indexed tape, the microprocessor controller 31 displays on the screen 50a the question "Do you want to re-index?" (step 9266). If the user answers yes (Step 9267), the microprocessor controller 31 commands the VCR to rewind the tape to the beginning of the tape and start re-indexing the tape by asking the user to advance the tape to the beginning of each program and entering the title". The claimed "different types of marks", at least one of which indicates a level of importance or interest of the content which the marked recording data represents" is anticipated by the title disclosed in the above passage.

Finally, Yuen et al discloses in col. 34, lines 40-48 that "In response to receiving the VM packet. The microprocessor controller 31 writes a VISS mark on the control

track 42c to identify the start of the next section (Step 9614). The microprocessor controller 31 then increments the previous program number by one (step 9616) and writes it as the program number in the TP packet on line 19 of the VBI (Step 9618). The indexing VCR 10 reads and decrypts the directory from line 20 of the VBI of the broadcast signal and writes it onto the VBI of the tape (step 9620)". The claimed "different types of marks, at least one of which indicates a level of importance or interest of the content which the marked recording data represents" is also anticipated by the VM packet disclosed in the above passage.

In re page 7, applicants argue that, with respect to claims 40 and 41, that Yuen teaches a mark based on a label or name associated with the program data and not a mark that is produced, supplemented, or modified based on the actual audiovisual or other data of the program itself.

In response, the examiner respectfully disagrees. Yuen et al disclosed in col. 26, lines 60-67 that "On the other hand, if at step 9259 the tape is a non-indexed tape, the microprocessor controller 31 displays on the screen 50a the question "Do you want to re-index?" (step 9266). If the user answers yes (Step 9267), the microprocessor controller 31 commands the VCR to rewind the tape to the beginning of the tape and start re-indexing the tape by asking the user to advance the tape to the beginning of each program and entering the title". From the above passage, it is clear that the claimed "a data acquisition device for obtaining recording data representing the content of the event, the recording data comprising data that may be used by a replay system to provide a user-perceptible reproduction of some human-perceptible occurrence that took place during the event" of claim 40 is anticipated by the VCR of Yuen et al and the claimed "wherein the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis

of, the data that may be used by a replay system to provide a user-perceptible reproduction of some human-perceptible occurrence that took place during the event" of claim 40 is met by the "re-indexing" process of Yuen et al.

Additionally, Yuen et al discloses in col. 34, lines 40-48 that "In response to receiving the VM packet. The microprocessor controller 31 writes a VISS mark on the control track 42c to identify the start of the next section (Step 9614). The microprocessor controller 31 then increments the previous program number by one (step 9616) and writes it as the program number in the TP packet on line 19 of the VBI (Step 9618). The indexing VCR 10 reads and decrypts the directory from line 20 of the VBI of the broadcast signal and writes it onto the VBI of the tape (step 9620)". The claimed "a data acquisition device for obtaining recording data representing the content of the event, the recording data comprising data that may be used by a replay system to provide a user-perceptible reproduction of some human-perceptible occurrence that took place during the event" of claim 40 is anticipated by the VCR of Yuen et al and the claimed "wherein the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, the data that may be used by a replay system to provide a user-perceptible reproduction of some human-perceptible occurrence that took place during the event" of claim 40 is met by the process of writing the VISS mark on the control track 42c to identify the start of the next section based on the VM packet of Yuen et al.

Yuen et al discloses in col. 7, lines 28-38 that "Regular TV receivers do not decode nor process the signal, but with special decoder circuitry, the encoded text can be **extracted** and fed to the directory controller 30 for automatic generation of **the title of the program being recorded**. The extracted, decoded program title can be edited by a user or saved in the directory. Thus, **the extracted program title can serve as an**

alternate data input source for the program directory, reducing the needed amount of user input. Other auxiliary information described below may also be broadcast during the VBI" and in col. 12, lines 44-51 that "The VCR uses the directory described herein to perform searches of the user's tape library to find the tape that a selected program is on. The directory of particular tape may be searched using **keywords, or title information** to locate a program on the tape". From the above passages, it is noted that the claimed "the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, the data other than recording data" of claim 41 is anticipated by **the program title** of Yuen et al.

Additionally, Yuen et al discloses in col. 21, lines 43-53 that "In an alternate embodiment, in place of the interface connector, an IR detector/emitter in the VCR functions as a data port which can be used in both receive remote control commands and to transmit the directory or other information from the RAM 33 to a printer or a second machine. For example, some VCRs can control cable boxes by transmitting commands to the cable box. These VCRs may also transmit directory data or other information to an external device 73 that can receive IR commands. Alternatively, **the IR detector may also be used to receive directory information downloaded from the second machine**". The claimed "the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, the data other than recording data" of claim 41 is anticipated by **the process of downloading the directory information from the second machine of Yuen et al.**

2. Applicant's arguments with respect to claims 1-35 and 45-53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 36 and 40-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen et al ('409) as set forth in paragraph #2 of the last Office Action.

Regarding claim 36, Yuen et al discloses a recording unit (Fig. 1) for recording an event, comprising a data acquisition device (VCR-1 of Fig. 1, col. 5, lines 22-38) for obtaining recording data representing the content of the event; a data storage device (VCR-1 of Fig. 1, col. 5, lines 22-38) for storing data, including recording data; a control interface device (50a of Fig. 1, col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) for enabling a recorder to control operation of the recording unit; means for producing a mark, wherein the means for producing a mark further comprising means for producing a mark and/or supplementing or modifying an existing mark based on the value of, or an analysis of, data acquired by the recording unit (col. 7, lines 19-38; col. 26, line 27 to col. 27, line 4; and col. 33, line 54 to col. 34, line 67); a system controller (VCR control logic 21 of Fig. 1, col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) that causes, in response to the specification of a mark by the recorder, the data storage device to store marking data associating each mark with

particular recording data; and wherein the means for producing a mark and/or supplementing or modifying an existing mark produce, supplements or modifies based on the value of, or an analysis of, the data that may be used by a replay system to provide a user-perceptible reproduction of some human-perceptible occurrence that took (col. 7, lines 19-38; col. 26, line 27 to col. 27, line 4; and col. 33, line 54 to col. 34, line 67).

Regarding claim 40, Yuen et al discloses all the claimed features as discussed in claim 36 above and, additionally, Yuen et al discloses the claimed wherein the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, the recording data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 41, Yuen et al discloses all the claimed features as discussed in claim 36 above and, additionally, Yuen et al discloses the claimed wherein the recording unit further comprises means for acquiring data other than recording data (col. 7, lines 19-38; col. 21, lines 43-54; col. 26, line 27 to col. 27, line 4; and col. 33, line 54 to col. 34, line 67); and the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, the data other than recording data (col. 7, lines 19-38; col. 21, lines 43-54; col. 26, line 27 to col. 27, line 4; and col. 33, line 54 to col. 34, line 67).

Regarding claim 42, Yuen et al discloses the claimed wherein means for acquiring data further comprises a physiological monitoring device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) and means for producing a mark

and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, physiological monitoring data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 43, Yuen et al discloses wherein means for acquiring data other than recording data further comprises a position sensing device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) and means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, position data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 44, Yuen et al discloses the claimed wherein the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the proximity of the marking time to the marked time (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Cruz et al ('032) as set forth in paragraph #5 of the last Office Action.

Regarding claim 37, Yuen et al discloses all the features of the instant invention as discussed in claim 36 above except for providing the claimed wherein the system controller causes recording data corresponding to the at least one mark to be compressed in accordance with the level of importance or interest represented by the mark.

Cruz et al teaches a system and method for recording, playing back and searching multimedia event wherein video, audio and text can be searched and retrieved having means for indicating that a voice mark is to be imminently specified (col. 6, line 55 to col. 7, line 37) and that the system controller causes recording data corresponding to the at least one mark to be compressed in accordance with the level of importance or interest represented by the mark (col. 6, lines 37-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to the incorporate the searching apparatus as taught Cruz et al into Yuen et al's system in order to searching the desired audio signal in multimedia data.

Regarding claim 38, Cruz et al discloses the claimed wherein the system controller causes compression of recording data to be reduced after the predetermined amount of time (col. 6, lines 37-54).

7. Claims 1-5, 8-9, 11-13, 45-49, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Doi ('449).

Regarding claim 1, Yuen et al discloses a recording unit (Fig. 1) for recording an event, comprising a data acquisition device (VCR-1 of Fig. 1, col. 5, lines 22-38) for obtaining recording data representing the content of the event; a data storage device (VCR-1 of Fig. 1, col. 5, lines 22-38) for storing data, including recording data; a control interface device (50a of Fig. 1, col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) for enabling a recorder to control operation of the recording unit, the control interface device further comprising marking means for enabling the recorder to specify a non-contemporaneous mark; and a system controller (VCR control logic 21 of Fig. 1, col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) that causes, in response to the specification of a non-contemporaneous mark by the recorder, the data storage device to store marking data associating the non-contemporaneous mark with recording data obtained at a marked time different from the marking time at which the non-contemporaneous mark was specified by the recorder. However, Yuen et al does not specifically discloses the newly added limitation wherein the non-contemporaneous mark is specified at a time when the recording data with which the non-contemporaneous mark is associated is neither being obtained by the recording unit nor display to the recorder.

Doi teaches a scene boundary detecting apparatus having means (detector section 4 of Fig. 1, col. 2, line 22 to col. 3, line 3) for specifying the non-contemporaneous mark at a time when the recording data with which the non-contemporaneous mark is associated is neither being obtained by the recording unit nor displayed to the recorded so that the boundary point of the video signal can be accurately detected.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the detector section 4 of Doi into Yuen et al's system in order to reducing the time and accurately detecting the boundary point of the video signal.

Regarding claim 2, Yuen et al discloses the claimed wherein the marking mean is adapted to enable specification of a retrospective mark that is associated with recording data obtained at a marked time prior to the marking time at which the retrospective mark was specified by the recorder (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 3, Yuen et al discloses the claimed wherein the marking means is adapted to enable specification of a predictive mark that is associated with recording data obtained at a marked time subsequent to the marking time at which the predictive mark was specified by the recorder (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 4, Yuen et al discloses the claimed wherein the marking data defines the marking time and a duration of time, the marked time being the time

different from the marking time by the amount of the duration of time (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 5, Yuen et al discloses the claimed wherein the marking data defines the marked time directly (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 8, Yuen et al discloses the claimed wherein the marking data further defines a range of time relative to the marked time (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 9, Yuen et al discloses the claimed wherein the marking means is adapted to enable specification of multiple types of non-contemporaneous marks, each type of mark having a different meaning (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 11, Yuen et al discloses the claimed wherein the recording unit is portable (VCR-1 of Fig. 1, col. 5, lines 22-38).

Regarding claim 12, Yuen et al discloses the claimed means for mounting one or more components of the recording unit on the body of the recorder (Fig. 1, col. 5, lines 22-38).

Regarding claim 13, Yuen et al discloses the claimed wherein the data acquisition device further comprises a visual data acquisition device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Method claims 45-49 and 52 are rejected for the same reasons as discussed in apparatus claims 1-5 and 8 above, respectively.

8. Claims 6-7 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Doi ('449) as applied to claims 1 and 45 above, and further in view of Abecassis ('814).

Regarding claim 6, the combination of Yuen et al and Doi discloses all the features of the instant invention as discussed in claim 1 above except for providing that the marking data further defines a confidence level that represents the certainty of the recorder that the marked recording data is the recording data that the recorder desires to mark.

Abecassis teaches a variable-content video retriever having means for marking data defines a confidence level that represents the certainty of the recorder that the marked recording data is the recording data that the recorder desires to mark (cols. 8-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate segmenting the video signal into G, PG, PG-13, R, NC-17 rating segments as taught by Abecassis into Yuen et al's system in order to prevent an unauthorized viewer to watch recorded video signal.

Regarding claim 7, Abecassis teaches the claimed wherein the value of the confidence level defines a range of time relative to the marked time (cols. 8-9).

Method claims 50-51 are rejected for the same reasons as discussed in apparatus claims 6-7 above.

9. Claims 10, 14, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Doi ('449) as applied to claims 1, 13, and 45 above, and further in view of Cruz et al ('032).

Regarding claim 10, the combination of Yuen et al and Doi discloses all the features of the instant invention as discussed in claims 1 and 13 above except for providing means for indicating that a voice mark is to be imminently specified and means for identifying a voice mark, the means for identifying operable in response to an indication that a voice mark is to be imminently specified.

Cruz et al teaches a system and method for recording, playing back and searching multimedia event wherein video, audio and text can be searched and retrieved having means for indicating that a voice mark is to be imminently specified (col. 6, line 55 to col. 7, line 37) and means for identifying a voice mark, the means for identifying operable in response to an indication that a voice mark is to be imminently specified (col. 6, line 55 to col. 7, line 37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the searching apparatus as taught Cruz et al into Yuen et al's system in order to searching the desired audio signal in multimedia data.

Regarding claim 14, Cruz et al teaches the claimed wherein the data acquisition device further comprises an audio data acquisition device (col. 6, line 55 to col. 7, line 37).

Claim 53 is rejected for the same reasons as discussed in claim 10 above.

10. Claims 15-31, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Horio et al ('876).

Regarding claim 15, Yuen et al discloses a portable recording unit (Fig. 1) for recording an event, comprising a data acquisition device (VCR-1 of Fig. 1, col. 5, lines 22-38) for obtaining recording data representing the content of the event; a data storage device (VCR-1 of Fig. 1, col. 5, lines 22-38) for storing data, including recording data; a control interface device (50a of Fig. 1, col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) for enabling a recorder to control operation of the recording unit, the control interface device further comprising marking means for enabling the recorder to specify multiple types of marks; and a system controller (VCR control logic 21 of Fig. 1, col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) that causes, in response to the specification of a mark by the recorder, the data storage device to store marking data associating the specified mark with particular recording data. However, Yuen et al does not specifically discloses means for mounting one or more components of the recording unit on the person of the recorder.

Horio et al teaches a electronic camera having means for mounting the recorder on the person of the recorder (Fig. 5) to ease the user in carrying the recorder from one place to another.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate means for mounting the recorder on the person of the recorder as taught by Horio et al into Yuen et al's VCR in order to ease the user in carrying the recorder from place to place.

Regarding claim 16, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks that are associated with recording data obtained at a time other than the time at which the mark is specified (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 17, Yuen et al discloses the claimed wherein the multiple types of marks includes one or more marks indicating a level of importance or interest of the content which the marked recording data represents (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 18, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating a characteristic of the content which the marked recording data represents (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 19, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating the beginning or end of activity of interest.

Regarding claim 20, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating the recording conditions (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 21, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating the recorder's state of mind (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 22, Yuen et al discloses the claimed wherein the multiple types of marks include one or more privacy marks (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 23, Yuen et al discloses the claimed wherein the one or more privacy marks includes a mark that indicates that the marked part of the recording is to be erased (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 24, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks indicating different recording units (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 25, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks identifying the person making the mark (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 26, Yuen et al discloses the claimed wherein the multiple types of marks include one or more marks identifying a person appearing in the part of the recording represented by the recording data associated with the mark (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 27, Yuen et al discloses means for enabling the recorder to specify the meaning of one or more of the multiple types of marks (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 28, Yuen et al discloses the claimed means for changing the meaning of one or more marks (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 29, Yuen et al discloses the claimed wherein the means for changing the meaning of one or more marks further comprises means for analyzing the recording data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41) and means for changing the meaning of a mark based on the analysis of the recording data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 30, Yuen et al discloses the claimed means (VCR-1 of Fig. 1, cols. 47-51) for obtaining data other than recording data; and means for changing the meaning of one or more marks further comprises means for changing the meaning of a mark based on the data other than the recording data (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 31, Yuen et al discloses one or more marking tokens for enabling a person to specify a corresponding type of mark, each marking token adapted to enable physical separation of the marking token from the control interface device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 33, Yuen et al discloses the claimed wherein the data acquisition device further comprises a visual data acquisition device (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

Regarding claim 35 Yuen et al discloses the claimed wherein the system controller causes, in response to the specification of a mark by the recorder, operation of the recording unit in a predetermined manner in accordance with the type of the mark (col. 26, line 39 to col. 27, line 4 and col. 33, line 54 to col. 35, line 41).

11. Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Horio et al ('876) as applied to claims 15 and 33 above, and further in view of Cruz et al ('032).

Regarding claim 32, Yuen et al discloses all the features of the instant invention except for providing means for indicating that a voice mark is to be imminently specified and means for identifying a voice mark, the means for identifying operable in response to an indication that a voice mark is to be imminently specified.

Cruz et al teaches a system and method for recording, playing back and searching multimedia event wherein video, audio and text can be searched and retrieved having means for indicating that a voice mark is to be imminently specified (col. 6, line 55 to col. 7, line 37) and means for identifying a voice mark, the means for identifying operable in response to an indication that a voice mark is to be imminently specified (col. 6, line 55 to col. 7, line 37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the searching apparatus as taught Cruz et al into Yuen et al's system in order to searching the desired audio signal in multimedia data.

Regarding claim 34, Cruz et al teaches the claimed wherein the data acquisition device further comprises an audio data acquisition device (col. 6, line 55 to col. 7, line 37).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ
October 31, 2002



THAI TRAN
PRIMARY EXAMINER